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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/820,432

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Marko Torvinen

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EXAMINER

TANK, ANDREW L

ART UNIT

PAPER NUMBER

2175

MAIL DATE

DELIVERY MODE

06/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/820,432

Applicant(s)

TORVINEN, MARKO

Examiner

Andrew Tank

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The following action is in response to the Request for Continued Examination (RCE) filed under 37 CFR 1.53(d) for the instant application on March 3, 2008. Applicants have properly set forth the RCE, which has been entered into the application. Accordingly, the amendment submitted March 3, 2008 has been entered and an examination on the merits follows herewith.
2. Claims 1, 6, 8, 15, 20, 22, 29, 34 and 36 have been directly amended. **Claims 1-45** are pending and have been considered below.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. **Claims 12-13, 26-27 and 40-41** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- **Claims 12, 26 and 40:** Claim 12 contains the trademark/trade name SYMBIANTM. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of

goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a particular brand of operating system and, accordingly, the identification/description is indefinite. Claims 26 and 40 recite similar limitations to claim 12 and are rejected for similar reasons.

- **Claims 13, 27 and 41:** Claim 13 contains the trademark/trade name Microsoft WINDOWSTM. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a particular brand of operating system and, accordingly, the identification/description is indefinite. Claims 27 and 41 recite similar limitations to claim 13 and are rejected for similar reasons.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-5, 8-19, 22-33, and 36-45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit et al. (US 6,674,453), hereafter known as “Schilit”, in view of Jill T. Freeze, “Sams Teach Yourself Microsoft Internet Explorer 5 in 10 Minutes”, published by Sams Publishing 1999, hereafter known as Freeze, and in further view of Dutta et al. (US 6,717,600), hereafter known as “Dutta”.

- **Claims 1, 15 and 29:** Schilit discloses a method for document link presentation and selection in an electronic device, the method comprising:
 - opening a first hypertext page comprising at least one separate link area containing a plurality of links in said electronic device (col 5 lines 9-16);
 - Schilit further discloses that link areas may contain a plurality of links (Fig. 5A navigation Menu has multiple links, Fig. 5B shows the parsed menu reflecting the links), but Schilit does not disclose the displaying of at least part of said first hypertext page in a movable view window in the area of said first hypertext page, *nor the determining of a link area comprising a plurality of links nearest to a first point on said view window*. However, Freeze discloses that when web pages, which include hyperlinks, overflow a screen’s boundaries in Microsoft Internet Explorer 5™ that one can scroll both vertically and horizontally until the desired elements appear onscreen (page 32 “See the Whole Picture”) as well as moving a cursor to determine a URL of a link (page 32 “Where am I going?”). Therefore, it would have been obvious to one of ordinary skill in the art with the teachings of Schilit and Freeze before them at the time the present invention was made to allow a user to navigate an open first hypertext page comprising links, as taught by Schilit, using a moveable

view window with a cursor, as taught by Freeze. One would have been motivated to do this in order to better view a preformatted larger webpage without sacrificing the format for a smaller screen, as suggested by Freeze (page 32: "See the Whole Picture") and to allow the user greater freedom in their selection of links.

- Schilit and Freeze disclose the moveable window method for viewing a hypertext page with links as above. Freeze further discloses an action occurring when the cursor is in proximity of a link (page 32 "Where am I going?"). Neither Freeze nor Schilit explicitly disclose determining the distance between a first point on said view window and a first link area comprising a plurality of links; determining the distance between the first point on said view window and a second link area comprising a plurality of links; determining whether the first link area or the second link area is nearest to the first point on said view window and returning these links for use in a new link list. Dutta discloses a method for selecting regions in a user interface based on proximity detection (Abstract). In particular, Dutta discloses that the distances between the cursor and the objects to select are determined, and a selection is based on which is closer (Abstract: "focus is changed to an item if a cursor moves towards it"). As Dutta discloses the use of hyperlink selection (Fig. 2A), it would have been obvious to one having ordinary skill in the art and the teachings of Schilit, Freeze, and Dutta before them at the time the present invention was made, to include the cursor-proximity selection method of Dutta in the navigable hypertext page method of Schilit and Freeze. One would have been motivated to do this in order to allow a

greater variety of users access to hyperlink information, as suggested by Dutta (col 1 lines 28-42).

- Schilit further discloses forming a link list comprising links associated w/ said link area (col 5 lines 35-61);
 - allowing a user to select a first link in the list (col 5 lines 41-42); and
 - opening a second hypertext page indicated by said first link in said electronic device (col 8 lines 25-34).
- **Claims 2, 16 and 30:** Schilit, Freeze, and Dutta disclose the method as in claims 1, 15 and 29 above, and Schilit further discloses the method comprising:
 - activating said link list in response to a user interface event (col 5 lines 41-49); and
 - presenting said link list in a separate window (col 5 lines 41-49).
 - **Claims 3, 17 and 31:** Schilit, Freeze, and Dutta disclose the method as in claims 1, 15, and 29 above, and Schilit further discloses the method comprising:
 - determining a logical order for at least two links in said link list based on a spatial order of the link descriptions on said first hypertext page (col 5 lines 51-53);
 - assigning at least two keys in said electronic device for said at least two links based on said logical order (Figure 5B); and
 - communicating said selection of said first link by pressing one of said at least two keys (col 5 lines 40-52).
 - **Claims 4, 18 and 32:** Schilit, Freeze, and Dutta disclose the method as in claims 3, 17 and 31 above, and Schilit further discloses the method wherein said at least two keys are function keys (col 5 lines 24-26 “keypad”).

- **Claims 5, 19 and 33:** Schilit, Freeze, and Dutta disclose the method as in claims 3, 17 and 31 above, and Schilit further disclose the method wherein said at least two keys are number keys (col 5 lines 24-26 “keypad”).
- **Claims 8, 22 and 36:** Schilit, Freeze, and Dutta disclose the method as in claims 1, 15 and 29 above, and Schilit further discloses the method wherein said link area is a separate structural element in the source code for said hypertext page (col 5 lines 13-15 “parsed”).
- **Claims 9, 23 and 37:** Schilit, Freeze, and Dutta disclose the method as in claim 1, 15 and 29 above, and Schilit further discloses that the electronic device is a mobile terminal (Abstract lines 3-5). Schilit do not disclose that said hypertext page is larger than the display on said electronic device. However, Freeze discloses that when web pages overflow a screen’s boundaries in Microsoft Internet Explorer 5™ that one can scroll both vertically and horizontally until the desired elements appear onscreen (page 32 “See the Whole Picture”). Therefore it would have been obvious to one of ordinary skill in the art with the teachings of Schilit, Freeze, and Dutta before them at the time the present invention was made for a webpage to be larger than the display on the mobile terminal. One would have been motivated to include this as mobile devices tend to have small resolution screens and most web pages appear larger than them.
- **Claims 10, 24 and 38:** Schilit, Freeze, and Dutta disclose the method as in claims 9, 23 and 37 above, and Schilit further disclose that said hypertext page is specified using hypertext markup language (HTML) or extensible hypertext markup language (XHTML) (col 2 lines 25-34 and col 5 lines 9-11).

- **Claims 11, 25 and 39:** Schilit, Freeze, and Dutta disclose the method as in claims 1, 15 and 29 above, but do not specifically disclose the method wherein said view window is moved in the area of said hypertext page using a pointer device. However, Freeze shows clicking and dragging to scroll to the desired elements (page 32 “See the Whole Picture”). Further, applicant shows the use of pointer devices such as finger-operated joysticks, mini-trackballs, flat sliding buttons, and the standard mouse is known in the related art (Present Specification page 3 lines 21-29). Therefore, it would have been obvious to one of ordinary skill in the art with the teachings of Schilit, Freeze, and Dutta before them at the time the present invention was made to allow a user to use a pointing device, such as a joystick, to navigate the view window. One would have been motivated to do this in order to provide the user with a large number of input choices.
- **Claims 12, 26 and 40:** Schilit, Freeze, and Dutta disclose the method as in claims 1, 15 and 29 above, but do not specifically disclose the method wherein said electronic device is a SYMBIAN™ operating system device. However, one of ordinary skill in the art at the time the present invention was made would know that in order for an electronic device to browse the Internet, the device would have to have some sort of existing software backbone in place, i.e. an operating system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the present invention was made to have the electronic device the method is acting on to come installed with an operating system capable of accessing the internet such as WINDOWS 95™, WINDOWS 98™, WINDOWS XP™, SYMBIAN™, LINUX, X-WINDOWS™, etc. One would have been motivated to do this in order to have the method

act on a preexisting operating system instead of spending resources in order to develop one's own.

- **Claims 13, 27 and 41:** Schilit, Freeze, and Dutta disclose the method as in claims 1, 15 and 29 above, but do not specifically disclose the method wherein said electronic device is a Microsoft WINDOWSTM operating system device. However, one of ordinary skill in the art at the time the present invention was made would know that in order for an electronic device to browse the Internet, the device would have to have some sort of existing software backbone in place, i.e. an operating system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the present invention was made to have the electronic device the method is acting on to come installed with an operating system capable of accessing the internet such as WINDOWS 95TM, WINDOWS 98TM, WINDOWS XPTM, SYMBIANTM, LINUX, X-WINDOWSTM, etc. One would have been motivated to do this in order to have the method act on a preexisting operating system instead of spending resources in order to develop one's own.
- **Claims 14, 28 and 42:** Schilit, Freeze, and Dutta disclose the method as in claims 1, 15 and 29 above, but do not specifically disclose the method wherein said electronic device is a GPRS or a UMTS terminal. However, applicant shows that it is well known in the art to use General Packet Radio System (GPRS) for mobile terminals (Present Specification, page 3 lines 13-14). One of ordinary skill in the art at the time the present invention was made would know that these mobile devices can be of various network varieties such as GPRS, UMTS, or GSM. Therefore, it would have been obvious to one of ordinary skill in the art at the time the present invention was made to allow the mobile device access to the GPRS,

UMTS, or GSM networks. One would have been motivated to do this in order to use an existing protocol instead of spending resources in order to develop one's own.

- **Claims 43-45:** Schilit, Freeze, and Dutta disclose the computer program as in claim 29, but do not specifically disclose that the program is stored on a computer readable medium such as a removable memory card, or a magnetic or optical disk. However, one of ordinary skill in the art would know that a program by itself is just a series of words. In order for a program to produce a result, it needs to be stored in a medium that is operable on by a computer or electronic device. These computer readable mediums include internal memory, external memory and optical and magnetic disks. One would be motivated to place the program on an external device such as optical or removal memory in order to allow a user to place the program on separate electronic devices, thereby expanding the usability of the program.

7. **Claims 6-7, 20-21 and 34-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schilit, Freeze, and Dutta in further view of Ogletree, "Microsoft Windows XP Unleashed", by Terry W. Ogletree, published by Sams Publishing 2002, hereafter known as "Ogletree".

- **Claims 6, 20 and 34:** Schilit, Freeze, and Dutta disclose the method as in claims 1, 15 and 29 above, but do not disclose that the first point is a stationary point on said view window. Ogletree shows the MouseKeys function in Microsoft WINDOWS XPTM. The MouseKeys function allows a user to use keys to move the pointer on the screen (pages 113-114). Therefore, it would have been obvious to one of ordinary skill in the art at the time the present invention was made to place the cursor in the stationary position of the view window,

and use the arrow keys to navigate the window, pressing the “5” button to make a selection when the cursor falls on the right spot, resulting in a stationary cursor and a moveable view window. One would have been motivated to do this in order for the method to appeal to a larger range of user, including those that prefer to use a keyboard or pad to a mouse or other pointing device. Schilit et al. further disclose the indicating of the nearest hyperlink, as suggested by Schilit (Fig. 6A-C).

- **Claims 7, 21 and 35:** Schilit, Freeze, Dutta, and Ogletree disclose the method as in claims 6, 20 and 35 above, but do not specifically disclose that the cursor is placed at the center of the view window. However, one of ordinary skill in the art at the time the present invention was made would know that placing the key at a stationary point in the view window would mean that it could be placed at the center, bottom center, bottom left, top right, or any variation thereof of the view window. Therefore it would have been obvious to one of ordinary skill in the art at the time the present invention was made to place the cursor at the center of the view window. One would have been motivated to do this in order to provide a more logical viewing experience for a user.

Response to Arguments

8. Applicant's arguments filed on March 3, 2008 have been fully considered but they are not persuasive.
9. Applicant's argument, pages 9-12, regarding the Schilit and Freeze obviousness rejection of claim 1 is moot in view of the new grounds of rejection.

10. Applicant's argument, on pages 12-13, regarding Ogletree failing to suggest a stationary point is not persuasive. As shown in the rejection of claim 6 above, the ability to move the cursor using the number pad, placing it in a stationary spot, and then moving the view window results in a stationary cursor on the view window. The argument is not persuasive.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Xu et al. (US 2002/0070961) – pertains to web page frame selection for interactive television web browser, involves determining frame corresponding to active link in initial frame based on reception of directional command from input device.
- Brewer et al. (US 5,459,831) – pertains to a method for selecting graphical objects in quadrants with a cursor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Tank whose telephone number is 571-270-1692. The examiner can normally be reached on Mon - Thur 0830-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. T./
Examiner, Art Unit 2175
May 15, 2008

/Kieu D Vu/
Primary Examiner, Art Unit 2175